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Security Council

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Provisional

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Wednesday, 9 November 1994, 3.30 p.m.

New York

President:	Mrs. Albright	(United States of America)
Members:	Argentina	Mr. Peláez
	Brazil	Mr. Sardenberg
	China	Mr. He Yafei
	Czech Republic	Mr. Kovanda
	Djibouti	Mr. Olhaye
	France	Mr. Mérimée
	New Zealand	Mr. Keating
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Khussaiby
	Pakistan	Mr. Marker
	Russian Federation	Mr. Fedotov
	Rwanda	Mr. Bakuramutsa
	Spain	Mr. Yañez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay

Agenda

The situation in the Republic of Bosnia and Herzegovina

Letter dated 3 November 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/1994/1248)

94-87013 (E)

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The meeting was resumed at 3.55 p.m.

The President: The next speaker is the representative of the Sudan. I invite him to take a place at the Council table and to make his statement.

Mr. Idris (Sudan) (*interpretation from Arabic*): On behalf of my delegation, allow me to congratulate you, Madam, on your assumption of the presidency of the Council for this month. Allow me also, through you, to convey our gratitude to last month's President for the wisdom with which he conducted the business of the Council during his presidency.

In the wake of the crumbling of the socialist camp we have witnessed many radical changes on the international scene. However, this has also led to the emergence of some negative phenomena on the international arena, such as the brutal injustices, continuing oppression and bloody suffering inflicted upon the Bosnian people. This people has been made the victim of an acute conflict that has ethnic and cultural dimensions. Hence the brutal cultural siege against Islamic presence on the European continent. This residual conflict between cultures has resulted, among other things, in such atrocities as the practices of "ethnic cleansing".

In what is known as the former Yugoslavia, the Serbs of Bosnia and neighbouring States have played the role of the cat's paw in pursuing a policy that has breached all humanitarian laws and trampled the Bosnian people's right to life itself without any qualm. This has continued to take place under the very eyes of the international community which stood by with all its regional and international organizations, under various pretexts. At times, the pretext has been the need for peace-keeping forces to be neutral. At other times, the pretext was the weakness of the mandate of the United Nations Protection Force (UNPROFOR) or the Council's inability to act. This has thrown into sharp focus the double standards of the new inequitable international order.

The argument of the slow search for peace in Bosnia has become an illusion for the international community. A settlement cannot be reached so long as the Serbs enjoy military superiority and are being supplied with the sophisticated armaments that were available to the former Yugoslavia, while the Bosnians lack even the basic means that would enable them to defend themselves, their territories, their properties and their honour.

The people of Sudan have followed with deep sorrow and grave concern the developments of this problem of the steadfast people of Bosnia, with its ethnic and cultural dimensions. At a time when the international community seems unable to protect the victim against the terrible aggression of the Serbs, we should like to emphasize that we support the Bosnian people in its tragedy and make clear the following facts:

First: Bosnia and Herzegovina, as a sovereign State Member of the United Nations, is entitled to all the rights set forth in the United Nations Charter particularly in Article 51, which enshrines the inherent right of every State to self-defence.

Second: Sudan considers that the aggression against the State of Bosnia and Herzegovina poses a threat to international peace and security. Also, we find it unacceptable that the territory of others is being acquired by force. Proceeding from this, the Sudanese people vigorously condemn Bosnian Serbs for their failure to abide by Security Council resolutions.

The people and Government of Sudan take this opportunity to commend Bosnia and Herzegovina for its acceptance of the peace plan that was approved by the international community. We welcome the measures adopted recently by Croats and Bosnians with a view to the creation of the Bosnian Federation, and we should like to launch an appeal for the immediate lifting of the siege that has been laid to the courageous city of Sarajevo, the capital of Bosnia

That this human tragedy should have been allowed to continue for so many years, coupled with the failure to implement Security Council resolutions on Bosnia and Herzegovina is an unfortunate situation that was brought about by the military superiority enjoyed by Serbian militias and the support they receive from the former Yugoslavia. It is a situation that can be resolved only by redressing the arms imbalance. The Serbian militias possess enormous military arsenals, including various high-tech weapons, whereas the Bosnians lack the weapons that are necessary for their self-defence and the defence of their identity and territory.

Sudan appeals for the restoration of balance and calls upon the Council to lift the arms embargo imposed upon the Bosnian State. The delegation of Sudan, in calling upon the Security Council to lift the embargo, firmly believes that the adoption of such a resolution

would have a positive impact on this problem, which can be summed up as follows:

> First, the peace process, which, because of its slow pace, is at a very early stage, would be rendered more effective if the Serbs were made to realize that they will not be able to achieve their objectives by armed force but, rather, through negotiations. They would thus be more inclined to engage in dialogue with a view to securing a settlement through peaceful negotiations.
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> Second: the restoration of a proper balance between the two parties would open the door for the delivery of the humanitarian aid, medicines and other items of health care that are needed by many people. The first obligation of Bosnia and Herzegovina is to ensure that it has enough food for all, and it should be enabled to cooperate with the international community to this end.
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> Third: the restoration of balance in armaments would result in the de-escalation of hostilities and lead to their cessation. The defenceless people of Bosnia and Herzegovina could then be protected by their Government. They would no longer be at the mercy of the militias' barbaric practices which are pursued in particular against the young and the elderly.
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> It is clear that the qualitative and quantitative imbalance, in terms of armaments, between the various parties in Bosnia is the main reason for the resurgence of violations of human rights as stated in the report of the Special Rapporteur on the human rights situation in Bosnia and Herzegovina, issued in November 1994.
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> Fourth: The lifting of the arms embargo imposed on Bosnia and Herzegovina would confirm the view that it is necessary to strengthen the United Nations Protection Force (UNPROFOR) so that it may not continue to be passive and neutral. UNPROFOR's passiveness and neutrality have encouraged the continuous violation of human rights.

For all these reasons, Sudan joins in the urgent appeal for the lifting of the arms embargo against the steadfast people and Government of Bosnia.

The President: I thank the representative of Sudan for his kind words addressed to me.

The next speaker is the representative of Tunisia. I invite him to take a place at the Council table and to make his statement.

Mr. Abdellah (Tunisia) *(interpretation from French)*: First of all, allow me, Madam President, to congratulate you very sincerely on your assumption of the presidency of the Security Council for the current month. We are convinced that under your guidance the work of the Council will be successful.

Our thanks go also to your predecessor, Ambassador Hannay of the United Kingdom, for the manner in which he conducted the business of the Council last month.

Once again the Security Council is considering the situation in Bosnia and Herzegovina, which for almost three years now has been deteriorating, both on the ground and within this body. We are profoundly concerned at the failure of so many efforts on the part of the international community — specifically, those of the Security Council, which, although acting often under Chapter VII of the Charter, has been paralysed by an absence of political will to secure compliance with its own resolutions.

Indeed, we are entitled to ask today whether the Council really has any means other than the lifting of the arms embargo to solve this problem, which is beginning to give rise to doubts about the credibility of this body.

Each day, the chances of finding a lasting and peaceful solution are becoming slimmer because of the hostilities that are continuing in Bosnia and Herzegovina, the flagrant violations of the "safe areas", the systematic pursuit of the policy of "ethnic cleansing", the obstruction of the United Nations observer mission and the persistent rejection of the peace plan.

We are calling upon the Security Council to play its full role as the guarantor of international peace and security and ensure the withdrawal of the Serb forces from the territories seized by force and their return to their legitimate owners. But we are also asking it to reconsider the applicability of the provisions of resolution 713 (1991) to Bosnia and Herzegovina. Indeed, we could not understand a situation in which the Bosnian people are disarmed by the will of the Council and at the same time are prevented from enjoying the Council's protection.

We remain convinced that, far from complicating the situation, the present initiative would have the immediate effect of making the Bosnian Serbs negotiate peace seriously and stop taking advantage of a flagrant and morally unacceptable military imbalance.

With its right to self-defence under Article 51 of the Charter of the United Nations legally re-established, Bosnia and Herzegovina will help at the political level to facilitate the Contact Group's task of making the Serb side understand that it must accept the peace plan. This will also help UNPROFOR on the ground, particularly in carrying out its mandate to safeguard humanitarian convoys that furnish aid to destitute, defenceless and displaced people. This task, need I recall, is now being hampered by the harassment by the Serbs, who are diverting international humanitarian and medical aid to the armed militias.

Finally, allowing the army of the Bosnian Government legally to have the means to defend itself would be a positive factor that could dissuade the Serbs from continuing their policy of "ethnic cleansing".

It is, to say the least, strange to regard as acts of aggression purely defensive operations conducted by the Bosnian army in certain occupied zones, disregarding the fact that the Serb army and militias occupy 70 per cent of the territory of the Republic of Bosnia and Herzegovina, and, at the same time, denying the victim its inherent right to defend itself against the aggressor.

What is happening right now is merely an attempt by the Republic of Bosnia and Herzegovina to exercise its inalienable right to regain its territory in the face of the refusal of the Bosnian Serbs to comply with the solution advocated by the international community.

It is high time for the Council to shoulder its full responsibility with respect to this tragedy. At stake are its credibility and authority, which the Serbs are obstinately seeking to compromise by flouting the principles of the Charter and of international law.

The President: I thank the representative of Tunisia for the kind words he addressed to me.

The next speaker is the representative of Romania. I invite him to take a place at the Council table and to make his statement.

Mr. Gorita (Romania) (*interpretation from French*): Madam President, allow me to begin by congratulating you most warmly on your assumption of the presidency of the Security Council for this month. Your personal qualities, which have been unanimously recognized, guarantee the success of the Council's work. We should like also to express appreciation for the manner in which Ambassador David Hannay of the United Kingdom discharged his duties as President of the Council for the month of October.

For more than two years now, the conflict in Bosnia and Herzegovina has been one of the priority concerns of the international community. Very recently, on 3 November 1994, the General Assembly adopted resolution 49/10, entitled "The situation in Bosnia and Herzegovina". The debate that preceded the adoption of this resolution revealed the situation's extreme gravity, urgency and complexity and the difficulties in the way of achieving a peaceful settlement.

Sharing the deep concerns at the chronic and particularly dangerous persistence of the state of war in Bosnia and Herzegovina, and for reasons that determined the similar attitude of 60 other delegations, particularly with respect to the scope of operative paragraph 22, on the lifting of the embargo on arms deliveries, the Romanian delegation abstained in the voting on draft resolution A/49/L.14/Rev.1.

As a country neighbouring the former Yugoslavia, Romania has always spoken out and acted — including in its capacity as a member of the Security Council until the end of 1991 — in favour of an exclusively political settlement of the problems involving the Yugoslav crisis in general and the conflict in Bosnia and Herzegovina in particular. We have firmly condemned all practices of "ethnic cleansing" as well as the policy of *fait accompli*. The economic sacrifices that my country has faithfully made in the implementation of the sanctions regime imposed on the Federal Republic of Yugoslavia are well known. We are doing our best to use our good relations with all the States that emerged from the former Yugoslavia to encourage and bring about a lasting political settlement, with the participation of all the parties and the joint contribution of all those who have committed themselves to facilitating this process. Furthermore, Romania has supported the plan of the Contact Group as the only realistic and pragmatic basis for a settlement of the Bosnian conflict.

This is a particularly critical time. We are faced with an alternative: either to quickly unfreeze the process designed to bring about a political settlement, or to wait and run the risk of a worsening of confrontations and tensions. Every effort must be exerted to put an end to this war and defuse tensions in Bosnia and Herzegovina. We are very concerned at the intensification of fighting in Bosnia and Herzegovina, and we appeal to all the parties to cease all military activities. Moreover, there can be no talks or political negotiations so long as Bosnian Serbs continue to reject the plan proposed by the Contact Group.

The sanctions regime has been an important element in the quest for a peaceful solution to the Yugoslav crisis. Recently the Security Council decided, in resolution 942 (1994), to strengthen the sanctions against the Serbs of Bosnia and Herzegovina following their rejection of the peace plan. At the same time, by resolution 943 (1994), the Council decided to ease the sanctions against the Federal Republic of Yugoslavia. We welcome the indication in the report of the co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, submitted to the Security Council in document S/1994/1246 of 3 November 1994, that the Government of the Federal Republic of Yugoslavia

> "is meeting its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of ... Bosnia and Herzegovina under the control of the Bosnian Serb forces". *(S/1994/1246, para. 3)*

We share the view of the many delegations that, in the recent debate in the plenary General Assembly and in this very Chamber, emphasized how essential the presence of the United Nations Protection Force is to guaranteeing that humanitarian aid continues to be furnished to Bosnia and Herzegovina.

The conflict in Bosnia and Herzegovina and the decisions and actions of the Security Council in this connection have also led to important actions with regard to questions of more general scope, such as those of the actual mandate and the conduct of peace-keeping operations or the particularly important issue of the application of the provisions of Article 50 of the United Nations Charter with a view to resolving the economic difficulties of States resulting from the implementation of sanctions measures adopted by the Security Council.

The period up to 31 March 1995 — the deadline for the extension of the current mandate of the United Nations Protection Force (UNPROFOR) — should not be considered as any kind of respite. As we also emphasized at the time of the debate in the plenary meeting of the General Assembly, every effort must be made by the parties directly concerned, as well as by those who are called upon to make a contribution to a peaceful settlement, to define and establish a global approach where there will be a convergence of views designed to get the Bosnian Serbs to accept the territorial settlement proposed by the Contact Group and to bring the three parties back to the negotiating table. In the same dynamic context, we should look at the parallel process initiated by Security Council resolution 943 (1994) designed to achieve a gradual lifting of economic sanctions against the Federal Republic of Yugoslavia.

It is important now more than ever before to stress those elements that can bring the parties closer together, to encourage those who are showing a real, positive political will, in order to ensure that the logic of peace and of political settlement between the parties in Bosnia and Herzegovina will prevail.

The President: I thank the representative of Romania for his kind words addressed to me.

The next speaker is the representative of Canada. I invite him to take a place at the Council table and to make his statement.

Mr. Karsgaard (Canada): Last Thursday the General Assembly debated a draft resolution on the situation in Bosnia and Herzegovina. Canada, along with many others, abstained from voting despite its support for most of the content of the draft resolution. We did so because the text called for an exemption from the arms embargo for the Government of the Republic and the Federation of Bosnia and Herzegovina.

Lifting the arms embargo, in our view, is not an acceptable way to proceed. However, my Government does not wish to see the status quo maintained. Canada fully supports the efforts of the Contact Group and the multi-track peace process that is now gaining momentum. The Bosniac-Croat Federation and the cease-fire in central Bosnia are examples of what can be achieved by peaceful means. We believe the Contact Group plan offers the basis for a fair and durable settlement of the conflict in Bosnia. Our focus must therefore continue to be on convincing the Bosnian Serbs to accept this plan and map.

Recent signs show that these efforts are having an effect. We are heartened by the decision of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to close the border with the Bosnian Serbs and allow for direct monitoring.

Six Canadian monitors joined the International Conference on the Former Yugoslavia (ICFY) Mission last Friday and another nine will be arriving shortly. The Security Council has accepted the report of 2 November certifying that the Federal Republic of Yugoslavia (Serbia and Montenegro) Government continues to meet its commitment. We urge President Milosevic to take all possible measures to stop the smuggling, which is weakening the effectiveness of the border closure.

Lifting the arms embargo on the Bosnian Government would not bring us closer to a solution. Allowing more and heavier weapons into Bosnia would escalate and intensify the conflict. The delivery of humanitarian assistance would be rendered impossible and the prospects for a negotiated, peaceful settlement to the conflict would be greatly diminished.

Canada recognizes that there may be conditions where there would be no alternative to lifting the arms embargo. But this would be a last resort and we have not yet reached that point. "Lift and stay" is not an acceptable or realistic option for the United Nations Protection Force (UNPROFOR), given its mandate and force structure.

The peace-keepers in UNPROFOR can fulfil their mandate only if they are seen to be impartial and to have the consent of the parties to the conflict. Lifting the arms embargo would jeopardize both conditions. If the arms embargo were to be lifted, Canada would be left with no choice but to withdraw its troops from UNPROFOR.

(spoke in French)

We are concerned at recent military developments on the ground and by reports that the arms embargo is being circumvented. No one side should believe that it can gain more on the battlefield than it has already been offered at the negotiating table.

We must stop the intense suffering and destruction that the conflict in Bosnia is wreaking. Lifting the arms embargo in Bosnia would not bring us any closer to this goal. Rather, we must all continue to work together to further the peace process as this is our best chance for a lasting solution.

The President: The next speaker is the representative of Bulgaria. I invite him to take a place at the Council table and to make his statement.

Mr. Pashovski (Bulgaria): Allow me first, Madam President, to offer you our sincere congratulations on your assumption of the presidency of the Security Council. At the same time we express our thanks to your predecessor for the excellent job he did.

It is evident that in order to achieve a speedy, just and peaceful solution to the conflict in Bosnia and Herzegovina a decisive step has to be taken to put an immediate end to the ongoing hostilities. All parties to the conflict should make the necessary compromises. Bulgaria for its part will continue to support the endeavours of the international community in this direction.

The war in Bosnia and Herzegovina has revealed many important and complex problems. Bulgaria regards the abhorrent practice of ethnic cleansing as unacceptable and is of the view that it will constitute a precedent with unforeseeable consequences, not only for the new States which have emerged on the territory of the former Yugoslavia, but for the Balkans as a whole. Furthermore, we believe that the conduct of all countries neighbouring the conflict zone should be conducive to its settlement. Judging on the basis of our historical experience, we have called upon all Balkan countries not to participate with military force in any hostilities in the former Yugoslavia. For our part, we went even further by declaring that we would not be involved in any form of military activities on the territory of ex-Yugoslavia. For this reason we have also stated that we are against the formation of any axes in the region, which we regard as a practice of the past.

Bulgaria is also concerned at the possibility of a spill-over of the conflict to other areas or countries in the region, especially to the south-east. Peace is quite fragile there, and for this reason we support a full resort to the instruments of preventive diplomacy.

Bearing in mind the principled position of my country to support all international efforts aimed at finding a solution to the conflict, Bulgaria welcomed the cooperation of the United Nations, the North Atlantic Treaty Organization, the European Union, the United States of America and the Russian Federation to this end. We endorse the importance and role of the peace-keeping forces under the auspices of the United Nations. At the

same time, decisions regarding the problem of the composition of the United Nations Protection Force should take into account prospects for future stability in the region with a view to avoiding fostering an environment of increasing suspicions and mutual claims.

Bulgaria has declared its support for the peace plan of the Contact Group. We consider it a good basis for compromise in the search for a peaceful solution to the conflict. Once again we call upon the Bosnian Serbs to accept the proposals of the Contact Group, which will open up prospects of reviving cooperation in the region and will help the gradual integration of the Balkan States into the European processes and structures.

At the same time, Bulgaria continues to express its hope that the members of the Contact Group, and especially the permanent members of the Security Council, will carefully weigh the pros and cons of lifting the arms embargo *vis-à-vis* the Government of the Republic of Bosnia and Herzegovina. The influx of new weapons may lead to an escalation of the hostilities in Bosnia and Herzegovina and to their possible spread to neighbouring territories. It is mainly for this reason that we abstained in the voting on General Assembly resolution 49/10.

In conclusion, I should like once again to reiterate the readiness of my country to contribute to the efforts of the international community in the process of finding a lasting and peaceful solution to the conflict in Bosnia and Herzegovina.

The President: I thank the representative of Bulgaria for his kind words addressed to me.

The next speaker is the representative of Guinea-Bissau. I invite him to take a place at the Council table and to make his statement.

Mr. Touré (Guinea-Bissau) (*interpretation from French*): It gives me great pleasure, beyond mere tradition, to congratulate you, Madam, on your assumption of the presidency of the Council. I am convinced that your work will yield tangible results, so great are your personal experience and the international standing of your country. Your predecessor also deserves our congratulations for the skill and dedication with which he conducted the Council's business.

I also take this opportunity to pay tribute to our Secretary-General, Mr. Boutros Boutros-Ghali, for his dynamism and the many initiatives he has taken. His Agenda for Peace, for example, is an invaluable source of inspiration for safeguarding and consolidating international peace. The preventive diplomacy that it advocates is a mechanism that deserves the support of the entire international community.

The Government of Guinea-Bissau warmly greets the members of the Security Council, whose ability and humanity have been amply demonstrated.

Among the many problems forming the dangerous framework within which the people of Bosnia are struggling are violence, war, scorn for the principles of the United Nations Charter, violations of the most fundamental norms of human rights that govern international relations, the massacre of thousands of human beings and the destruction of vast swaths of property. The terrible sufferings inflicted upon the heroic people of Bosnia, far from weakening them, have shown their strength, courage, determination and great political maturity, maturity demonstrated by the responsibility of that people, who personify the aspirations that inspire our debate.

An outraged world has expressed unflagging indignation at the atrocities committed in Bosnia and Herzegovina. The international community has consistently manifested its strong repugnance at the killing of defenceless, isolated Bosnians. The tragedy of Bosnia and Herzegovina is a disgrace to those involved and the entire international community, for which it is also a constant source of anxiety and serious concern.

With regard to the current conflict in Bosnia and Herzegovina, we must do all we can to take the path of dialogue and reason in order to safeguard peace in that country and region. To that end, my country, Guinea-Bissau, which is actively involved in the search for a solution to the problems afflicting the international community, will spare no effort to find appropriate solutions commensurate with the magnitude of the conflict in Bosnia and Herzegovina. The international community and the United Nations in particular must pursue their efforts to help defenceless people and redeem the tragic situation of Bosnia and Herzegovina.

Our firm conviction that peace is possible everywhere strengthens our resolve to settle the ongoing conflict. That is why Guinea-Bissau endorses any initiative that might allow the speedy implementation of measures to end the rigidity of the Serbs.

Guinea-Bissau, like other countries, is profoundly concerned at the armed aggression and the policy of "ethnic cleansing" being implemented against the Republic of Bosnia and Herzegovina and its people.

Everything should be done to ensure that the relevant resolutions of the Security Council are implemented and strictly complied with. My country's action with regard to Bosnia and Herzegovina should be seen in the context of reducing regional conflicts. The aspirations of the people of Bosnia to freedom and democracy are now seen to be demands that cannot be refused. That is why we support the draft resolution submitted for discussion by the Government of the United States of America, for whose work we are grateful. We are also grateful for the Contact Group's peace plan, which has been rejected by the Serbs. We support the lifting of the arms embargo, if necessary, and all measures to that end.

The President: I thank the representative of Guinea-Bissau for the kind words he addressed to me.

The next speaker is the representative of Latvia. I invite him to take a place at the Council table and to make his statement.

Mr. Baumanis (Latvia): Latvia condemns the massive violations of humanitarian law in Bosnia and Herzegovina that have haunted the international community for years and that are still continuing. We welcome the efforts and acknowledge the sacrifices that have been made by the personnel of the United Nations Protection Force (UNPROFOR) and of the Office of the United Nations High Commissioner for Refugees (UNHCR) in providing humanitarian relief to the people of Bosnia and Herzegovina.

Latvia supported the adoption of General Assembly resolution 49/10, including the provisions encouraging the Security Council to give all due consideration and exempt Bosnia and Herzegovina from the arms embargo imposed by the Security Council in resolution 713 (1991). At the same time, we urge Bosnia and Herzegovina to act in compliance with the appropriate Security Council resolutions and to cooperate fully with UNPROFOR in implementing the Force's mandate.

Latvia bases its position on Article 51 of the Charter of the United Nations, which enshrines the inherent right of individual and collective self-defence. Bosnia and Herzegovina has a clear legal right to protect its people and its territory from armed attack.

In addition to firmly holding this view, Latvia is guided by a moral conviction that a fellow small State that is under siege must be granted the opportunity to defend itself, especially when international efforts have not led to a peaceful settlement of the conflict. Small States must take note if the present application of an arms embargo is allowed to become a precedent.

The hope that a policy of treating even-handedly all parties involved would lead to a negotiated settlement has not come to fruition. There has not been sufficient incentive for all parties to reach a diplomatic solution to the conflict.

Notwithstanding its concrete legal claim under Article 51 of the Charter, the Government of Bosnia and Herzegovina has been greatly forthcoming in seeking the *de jure* lifting of the arms embargo with effective application deferred for up to six months or as further deferred by the Security Council. We believe that such an arrangement would provide an urgent incentive for all parties to exhaust all available diplomatic remedies and enhance the possibility of a negotiated conclusion to the conflict in Bosnia and Herzegovina.

The President: The next speaker is His Excellency Mr. Engin Ahmet Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite Mr. Ansay to take a place at the Council table and to make his statement.

Mr. Ansay (Organization of the Islamic Conference): Allow me, Madam, to begin by extending to you my warmest congratulations on your assumption of the presidency of the Council. I am confident that your experience and very well known professional skills will serve you well in moving forward the work of the Council.

I should like to take this opportunity to thank your predecessor, the Permanent Representative the United Kingdom, for his able performance in steering the work of the Council during the month of October.

The Permanent Representative of Pakistan, in his additional capacity as Chairman of the Islamic Group and the Contact Group on Bosnia and Herzegovina of the Organization of the Islamic Conference (OIC), yesterday eloquently presented the position of principle of the

Organization of the Islamic Conference vis-à-vis Bosnia and Herzegovina. I shall therefore be brief.

The Contact Group on Bosnia and Herzegovina of the Organization of the Islamic Conference met two days ago and decided, inter alia, to recommend to the Islamic Group of the Whole that it issue a statement with regard to the latest situation prevailing in Bosnia and Herzegovina.

At the request of the Secretary-General of the Organization of the Islamic Conference, Mr. Hamid Algabid, I would like to read out the statement issued yesterday in that regard. The statement reads as follows:

> "The member States of the Organization of the Islamic Conference held a meeting on 7 November 1994 in New York to review the deteriorating situation in the Republic of Bosnia and Herzegovina, after continuous rejection of the proposed five-nation peace plan by the Serbian side and, in particular, in view of the General Assembly resolution adopted on 3 November 1994 on the situation in Bosnia and Herzegovina.
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> "The member States of the OIC reaffirm the political independence, territorial integrity, sovereignty and unity of the Republic of Bosnia and Herzegovina. In this context, they express their alarm that the arms embargo imposed by Security Council resolution 713 (1991) continues to be applied against the Government of the Republic of Bosnia and Herzegovina, thereby defying its inherent right to self-defence according to Article 51 of the United Nations Charter.
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> "The member States of the Organization of the Islamic Conference reiterate, in accordance with the provisions of the five-nation peace plan, their call for the lifting of the arms embargo unjustly imposed against the Government of the Republic of Bosnia and Herzegovina and take favourable note of the statement by the President of the Republic of Bosnia and Herzegovina, His Excellency Mr. Alija Izetbegovic, before the General Assembly on 27 September 1994, including the proposed compromise, as well as the call for a unilateral response by members of the international community in the event that the compromise proposal is not accepted by the members of the five-nation Contact Group. They fully support the efforts towards this goal in the General Assembly and the Security Council.
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> "The member States of the OIC express their willingness to contribute troops to the United Nations Protection Force (UNPROFOR) should any of the troop contributors decide to withdraw unilaterally. Stressing the need for strengthening the mandate of UNPROFOR in order to fully implement its task, they reiterate their call for the strong protection and extension of the safe areas as enunciated in Security Council resolutions 824 (1993) and 836 (1993) and in accordance with provisions of article 6 of the five-nation peace plan and paragraph 4 of the communiqué issued by the North Atlantic Treaty Organization (NATO) on 9 February 1994.
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> "The member States of the OIC emphasize the need to strengthen UNPROFOR's mandate with respect to peacemaking in order to confront more effectively ongoing Serbian aggression and human rights abuses, as well as to support the implementation of the relevant Security Council resolutions. They express their confidence that such mandate-strengthening, complemented by a better-armed Bosnian army, which would be able to undertake at least a portion of the responsibilities for delivery of humanitarian efforts, would enable UNPROFOR to continue more effectively with all its humanitarian efforts.
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> "In this context, the Foreign Ministers of the OIC Contact Group on Bosnia and Herzegovina remain seized of the matter".

As we all know well, when the arms embargo was imposed on the former Yugoslavia — the consequence of which is the denial today to the Government of Bosnia and Herzegovina of the exercise of its inherent right of self-defence under Article 51 of the Charter — the Republic of Bosnia and Herzegovina was not yet born. Consequently, the OIC has long taken the view that paragraph 6 of resolution 713 (1991), relating to the arms embargo, does not and cannot legally apply to the Republic of Bosnia and Herzegovina. In other words, the Republic of Bosnia and Herzegovina did not exist as a Member State when resolution 713 (1991) was adopted, and certainly today's circumstances could not have been foreseen when that resolution was adopted.

Therefore, should the Security Council be of the view that in the current situation the arms embargo should apply to the Republic of Bosnia and Herzegovina, then the Council ought to adopt an unprecedented,

specifically-targeted resolution. Otherwise, as indicated by the Foreign Ministers of the OIC in their most recent communiqué, we can only come to the conclusion that paragraph 6 of resolution 713 (1991) cannot properly apply.

In conclusion, the Organization of the Islamic Conference would like once again to reaffirm its strong and unswerving support for the just struggle of the Bosnian people against aggression, genocide and "ethnic-religious cleansing". The OIC fully endorses the Bosnian Government's constructive position on the principles of a peaceful settlement to the conflict. Unless all parties concerned take cognizance of the legitimate demands of the Bosnian people, as I have stated here in the Council on previous occasions, peace will remain elusive in the entire Balkan region. Thus, the security of the area, as well as that of the world at large, will continue to be in jeopardy.

The President: I thank Mr. Ansay for his kind words addressed to me.

The next speaker is the representative of Thailand. I invite him to take a place at the Council table and to make his statement.

Mr. Pibulsonggram (Thailand): May I first congratulate you, Madam President, on your assumption of the presidency of the Security Council for this month and, through you, your predecessor, the Permanent Representative of the United Kingdom, for his successful presidency in October.

Thailand has been following the tragic situation in the Republic of Bosnia and Herzegovina with great concern. The massive human-rights violations resulting from the atrocities of the war, under the guise of "ethnic cleansing", and the continuing obstructions of United Nations humanitarian missions — these are totally abhorrent and unacceptable to the international community. We are also concerned with the continued blatant violations of the United Nations Charter and principles for the peaceful conduct of international relations. Since 1991, more than 60 resolutions relating to the former Yugoslavia have been adopted by the Security Council, but violations of the United Nations Charter and principles continue unabated.

My country has always been among those that have consistently supported and upheld the principles of non-aggression, non-use of force and non-acquisition of territory by armed aggression, in South-East Asia and in other regions of the world. My delegation believes that the victims of aggression, including Bosnia and Herzegovina, should have the legitimate right to self-defence, a principle enshrined in Article 51 of the United Nations Charter. They should also be able to rely on international support in their fight for self-determination and their fight against armed aggression.

In this spirit, Thailand has consistently given its support to resolutions on Bosnia and Herzegovina, including the recent General Assembly resolution 49/10 adopted on 3 November which, among other things, encourages the Security Council to

> "exempt the Government of the Republic and Federation of Bosnia and Herzegovina from the embargo on deliveries of weapons and military equipment originally imposed by the Security Council in resolution 731 (1991)". *(resolution 49/10, para. 22)*

The situation in Bosnia and Herzegovina has also caused great concern to the countries members of the Association of South-East Asian Nations (ASEAN) and has remained an item of high priority on the agenda of the ASEAN Ministerial Meetings. At the last such Meeting at Bangkok last July, the ASEAN Foreign Ministers issued a joint communiqué on the situation in Bosnia and Herzegovina. It reads as follows:

> "The Foreign Ministers expressed their support for the latest peace proposal made by the Contact Group comprising representatives of the United Nations, the European Union, the United States and the Russian Federation, which emphasized the preservation of the unity and integrity of the State of Bosnia and Herzegovina as a single State within internationally recognized borders. They called upon all concerned to support the peace proposal. They also called for the lifting of the arms embargo against Bosnia and Herzegovina in the light of the rejection by the Serbs of the peace proposal."

In pursuance of the above principles articulated by the ASEAN Foreign Ministers, the Thai delegation therefore wishes to join with other delegations in urging the Security Council to consider lifting the arms embargo as well as to support other constructive proposals as contained in the resolution recently adopted by an overwhelming majority of the States Members of the United Nations in the General Assembly on 3 November 1994.

The President: I thank the representative of Thailand for his kind words addressed to me.

Mr. Olhaye (Djibouti): There have been numerous disingenuous attempts at negotiating an end to the war in Bosnia, with agreements openly flouting Council resolutions on not rewarding aggression, on protecting designated safe areas, on respecting cease-fire deadlines, and more. Yet, as evidence of their rapacious appetite for seizing even more "ethnically cleansed" territory, the Bosnian Serbs have simply found new ways to prolong this war, perhaps in the expectation — one well supported by events in Bosnia — that they could expect additional concessions. Unfortunately, they may have played their hand with too little regard for the possible action of other parties.

The outright rejection of the 51-49 per cent proposal of the Contact Group has further turned opinion against the Bosnian Serbs, hardening the attitude of many who seek an end to this conflict. Similarly, it has weakened the position of some who would sympathize with them. Rejection has also confronted Yugoslavia with some hard choices in the face of a certain tightening of United Nations sanctions, leaving little choice but to impose and strengthen its own embargo against the Bosnian Serbs.

While the last report of the International Conference Mission to Yugoslavia on the border-closure measures concludes that Yugoslavia is continuing to meet its commitments, a judgement we still hold in abeyance, it would probably indicate that resupplying the Bosnian Serbs will certainly be far more difficult than in the past. Pressure has also been brought to bear through yet another General Assembly resolution this year calling for the Security Council to lift the arms embargo as it applies to the Government of Bosnia, a resolution stronger than the one adopted last year.

Consequent on the Bosnian Serb rejection of the Contact Group's proposals we have a draft resolution introduced by a member of the Contact Group also calling for a lifting of the arms embargo as it applies to the Bosnian Government, including the Bosnian Croats. Combined, these measures are a clear reflection of mounting international opinion against the intransigence of the Bosnian Serbs in refusing to accept a solution that seems more than fair.

In addition, international opinion has been hardened by the confrontational pattern of events in Bosnia. Designated safe areas remain almost uninhabitable human ghettos incapable of virtually any type of self-sufficiency. The threat of dwindling supplies is matched only by that of the threat to life created by constant shelling and sniper fire. This situation prevails even in the capital of Sarajevo, where safety, access and supplies are minimal, and the threat by the Serbs to resume the shelling of the city has again become a reality. With the coming of winter, the airport closed and the blue access road shut at will, prospects for difficult times ahead are real indeed.

Nevertheless, aside from the resolutions calling for a lifting of the arms embargo as it applies to the Bosnian Government and the threat of tightening sanctions against Yugoslavia, little has been done directly against the Bosnian Serbs. It is understandable, in this light, that the Bosnian Government should become disenchanted with the pace of events and reliance upon the words and actions of others and seek to make a more direct impact. The result has been the widespread redressing of the military imbalance forced upon them by Serbs throughout this long, 31-month war. Oddly enough, it grew out of the safe area of Bihac and has spread. The widely held notion of Serb invincibility has withered in the face of that age-old military equalizer, lack of supplies, a situation the Bosnians have faced throughout the conflict. The ability of the Serbs to dictate the pace and direction of events unilaterally has weakened, fortunately affording the international community a genuine opportunity to force a real solution.

Clearly, total victory through naked aggression and the gun no longer appears possible. The Council can strengthen this reality and thus the logic of settlement by lifting the arms embargo against the Government of Bosnia as proposed in the draft resolution before us. While some fear such a step now in the face of Bosnian advances could panic the Serbs and provoke them, my delegation feels that wild, unexpected behaviour is the norm for the Serbs to panic the mediators, and in any case would be less effective now. As a precaution, we support the call for the Secretary-General to continue planning for the orderly and safe deployment of UNPROFOR personnel that might, as a consequence, become necessary.

Another step my delegation would stress is to move with all reasonable haste to expedite the work of the war crimes Tribunal. Now that the situation in Bosnia is fluid and the outcome less predictable, the perpetration of criminal acts against humanity may, in fact, be punished — a consideration upon which any would-be

violator must reflect. In such a case, the mere issuance of an arrest warrant by a sitting tribunal would certainly act as a deterrent.

The present draft resolution, with its built-in time frame of six months before enactment, affords ample time for renewed diplomatic efforts to find a peaceful solution. Recent events indicate growing defections in the Serb army, with more and more people ready to lay down their arms in exchange for an ordinary life. There is evidence of an increase in desertions from the so-called Serb Republic and a weakening of will. At least among the general public, "compromise" is the new buzz word. Some sort of deal is increasingly seen as the only way.

If we were to strengthen the hand of the Government of Bosnia now, we would only increase the sense of realism the Serbs must eventually come to accept. The lifting of the arms embargo must, therefore, be seen in the wider context of hastening the peace process. Prolonging the impasse, the agonies, the frustrations and hopelessness of one party to the peace process definitely defeats the very basis of fair play and undermines credibility.

The President: I shall now make a statement in my capacity as representative of the United States.

As the last and final speaker, it is evident from this debate that support for lifting the arms embargo against Bosnia is broad and deeply felt.

It is also true, as representatives from several nations participating in UNPROFOR have pointed out, that lifting the embargo would raise some hard, practical questions for the United Nations and for those who care about the people of Bosnia.

It is no secret that my Government believes that strong new measures are required to end the war. Last July, the Contact Group proposed a territorial settlement that was endorsed by this Council. At the time, the Contact Group agreed that if one party alone refused to accept the plan, that party would pay a high price for its refusal. Since then, the Government of Bosnia has accepted the plan; so have the Bosnian Croats; only the Bosnian Serbs have refused.

My Government has presented a draft resolution, the focus of today's debate, that would fulfil the Contact Group's commitment. It would lift the arms embargo now in place against the Government of Bosnia, with implementation in six months if the Bosnian Serbs do not agree to a settlement by that time.

The draft resolution my Government presented raises questions both of principle and of pragmatism; the questions of principle are more easily answered.

There are, after all, no grounds in justice or law for denying the Government of Bosnia the right to defend itself. Bosnia has not attacked its neighbours, supported international terrorism or otherwise abused its responsibilities as a sovereign Power. Bosnian leaders are committed, moreover, to the principle of ethnic pluralism. Indeed, I doubt that members of this Council would consider imposing an arms embargo on Bosnia now if it had not been placed on the former Yugoslavia three years ago.

What, then, about the pragmatic questions?

What if the embargo is lifted and the Bosnian Serbs retaliate against United Nations peace-keepers or launch pre-emptive strikes?

What if fear of retaliation causes nations that have contributed troops to UNPROFOR to withdraw?

What if an upsurge of violence jeopardizes the humanitarian lifeline upon which Bosnians of all nationalities now depend?

What if the Government of Serbia and Montenegro re-enters the war?

These are, indeed, hard questions. They are based on fears about Bosnian Serb behaviour that are well-grounded; they reflect the desire of all members to see that United Nations peace-keepers are not harmed and that their mandates are accomplished. Indeed, my Government shares the appreciation for UNPROFOR's humanitarian work expressed by other Council members. But humanitarian goals can only be achieved over the long-term if the Bosnian Serbs accept the just and honourable peace they have spurned.

But a policy driven by fear has no future. Prudence must not become paralysis. We saw after the market-place massacre and the attack on Gorazde that the Bosnian Serbs will fall back only when this Council steps forward with something more than words.

So the real question before us is whether this Council will at long last translate words into actions. For it is only bold action that can provide the pressure necessary to end this war. Let me remind my colleagues on this Council that our finest moments and our greatest successes have come when we have mustered the unity and the determination to act boldly.

In other words, the biggest risk in Bosnia is that we should allow the Bosnian Serbs to dictate what we can and cannot do. If we succumb to their threats, we will erode the credibility of the Contact Group; we will sow cynicism among the parties in Bosnia that have agreed to a settlement; and we will give a green light to further Bosnian Serb transgressions. That will not reduce the risk to United Nations peace-keepers in Bosnia; it will not enable relief workers to perform their tasks; and it will not shorten the war. It will, instead, invite more war, at greater intensity, on an ever-broadening field of battle.

Under the resolution we have presented, arms would not begin to flow to Bosnia legally for a period of six months. During this time, we can limit through tighter sanctions the capacity of the Bosnian Serbs to wage war; limit their range of action through vigorous enforcement of safe areas and exclusion zones; limit their prospects for success by consolidating the confederation between the Government and the Croats; and limit their diplomatic options by maintaining unity among ourselves. Moreover, the prospect that the embargo will be lifted if they continue to say "no" should give the Bosnian Serbs a weighty new reason to say "yes" to the territorial arrangements proposed by the Contact Group.

Let us not forget that when we have acted boldly, as in the case of the Sarajevo ultimatum, the Bosnian Serbs talked a tough game, but in the end they complied. That history must instruct us today.

Some suggest that lifting the arms embargo would make it impossible for the United Nations to remain impartial in Bosnia. But what does impartiality mean in the context of Bosnia? Certainly, United Nations relief workers should deliver humanitarian aid to civilians who need it, regardless of ethnicity. Certainly, United Nations Security Council resolutions should be enforced equitably. Certainly, United Nations peace-keepers should stay within their mandates. But impartiality does not require of this Council that we treat equally those who have not acted equally.

There are those who condemn Bosnia for its recent attacks on Bosnian Serb forces in the central and western parts of the country. My Government regrets all continued fighting. But let us not confuse attacks made to recover territory lost to aggression with aggression. Let us not confuse the actions of a Government that has declared its desire for peace with that of a faction unyielding in its pursuit of war. The Government of Bosnia did not start this war and is willing to end it. The Bosnian Serbs began this war and are determined to prolong it. These differences matter and they should be reflected in the actions and attitudes of this Council.

The Bosnian Serbs have the option of living securely and in peace with their countrymen. Despite the bitterness of this war, much would become possible if weapons were laid aside and energies turned to the hard work of reconstruction. In this modern era, no people will find comfort or a decent life in a bitter isolation. The Bosnian Serbs have ample reason to accept peace, but their leaders have refused to embrace peace. That will not change if our approach does not change.

None of the options we face in Bosnia is without risk. Our choices are imperfect. We can accommodate the demands of the Bosnian Serbs and, in so doing, seek to minimize immediate dangers. Or we can press harder in an effort to end this war.

My Government is determined that this Council proceed on a firm course. This debate and the General Assembly vote last week indicate that a strong majority of the membership of the United Nations supports lifting the arms embargo against Bosnia. I have also heard strong objections from many key Council members to the concept of an automatic lifting of the arms embargo. They have asked hard questions, some of which I hope were answered in my statement.

But I have some hard questions of my own that this Council must face as we pursue this resolution: How long will the international community delude itself into thinking that some diplomatic tinkering will transform Pale's firm "no" into a "yes"? How long can the Contact Group let the Bosnian Serbs reject the just and honourable peace that has been proposed? How long can we allow United Nations troops — for all their good and noble humanitarian purposes and achievements — to be used also to protect the spoils of war by the enemies of peace, to be used also as a reason why the Bosnian Serbs do not pay a heavy price for violation of the exclusion zones? How long are we to meet in this Chamber and let

the principled and eloquent calls of the representative from Bosnia and Herzegovina for his people's right to self-defence fall on deaf ears? Finally, I must ask my fellow Council members: When will we decide what our real purpose is? Are we waiting for Karadzic, waiting for Godot, or waiting for some magic force to take on the responsibility that only this Council can fulfil?

In closing, let me put the issue as simply as I can. We must, after 30 months of war, force the Bosnian Serbs to make a choice between a settlement they can live with and consequences they cannot. That is the test the Council now faces; that is the responsibility we together must meet.

I resume my function as President of the Council.

There are no further names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on the agenda. The Security Council will remain seized of the matter.

The meeting rose at 5.15 p.m.